

REMARKS

The Advisory Action of December 8, 2009 refused entry of the amendment filed November 23, 2009.

The present amendment is intended to replace the previously filed amendment of November 23, 2009, and the previously filed amendment is to remain unentered.

As claim 13 has been amended substantively, and is expected to require further consideration and/or search, this amendment is filed with a Request for Continued Examination.

Status of the Claims

Claim 13 is amended and includes embodiments disclosed in the paragraph bridging pages 18 and 19 of the specification.

Claim 13 remains pending.

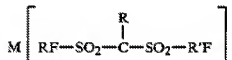
Claim Rejections-35 USC §102

Claim 13 was rejected under 35 U.S.C. § 102(b) as being anticipated by ARMAND US 4,818,644 (ARMAND). This rejection is respectfully traversed.

Fewer structures of R₂ and R₃ values for claim 13 are now recited, e.g., substituted alkyl groups, substituted fluoroalkyl groups, and polyfluoroalkyl groups are no longer recited as possible R₂ and R₃ groups. As discussed at page 12, lines 279-286, "polyfluoro" structures are those in which all

the hydrogen atoms bonded to carbon atoms are substituted with fluorine atoms.

ARMAND discloses the structure according to formula 1 below:



RF and R'F, which are the same or different, each represents a perhalogenated, preferably perfluorinated group, having from 1 to 12 carbon atoms, .

Accordingly, ARMAND is limited to a completely halogen substituted 1 to 12 carbon atom structure.

However, such a structure does not read on the claimed compound, which may include for R_2 and R_3 : an unsubstituted alkyl group of 1 to 5 atoms, an alkoxy group, an unsubstituted fluoroalkyl or fluoroalkoxy group, and a polyfluoroalkoxy.

Thus, ARMAND fails to anticipate the claimed invention.

ARMAND also fails to render obvious the claimed invention, as in order to even approach the claimed invention, one would have been forced to change the required "perhalogenated" structure.

Therefore, withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claim 13 was provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 12 of copending US Application No. 10/582,855.

Since the rejection is provisional, it is, again, respectfully requested that the rejection is held in abeyance until allowance of the instant application or the copending application, in accordance with US practice.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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